IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10534 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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HASUBEN GULABCHAND SHAH - Petitioner(s)

Versus

STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :

(MR MUKESH R SHAH) for Petitioner(s) : 1,MR MA PAREKH for Petitioner(s) : 1.2.1, 1.2.2, 1.2.3, 1.2.4,1.2.5
RULE SERVED BY DS for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 16/12/2005

ORAL JUDGMENT

1. Orders under challenge in this petition pertains to an application filed by deceased Shantaben Gulabchand

Shah seeking declaration from the authorities under the provisions of Section 8(2) of the Gujarat Agricultural Lands Ceiling Act. The Dy. Collector as well as the Gujarat Revenue Tribunal rejected the application filed by the petitioner namely deceased Shantaben Gulabchand Shah on the ground that gifts made by her in favour of her daughters were intended to defeat the provisions of the amendment Act of 1972. Learned advocate Shri A.J.Patel appearing with advocate Shri Parekh for the petitioner submitted that the application was filed by the deceased Shantaben Gulabchand under mistaken legal advise and that in view of the law settled by this Court in the decision of **State of Gujarat vs. Patel Kala Sana & Ors. reported in 1994(1) GLR page 448**, even if the lands in question are to be treated as part of the holding of deceased Shantaben Gulabchand, as on crucial date of 1/4/1976 there would be no land in excess of ceiling limits since Shantaben Gulabchand had an adult son on that day. Learned advocate, therefore, seeks permission to withdraw the petition. He submits that the petitioners would take up the above issue with the authorities in pending proceedings.

2. It will be open for the petitioners to apply for

early disposal of the pending proceedings.

3. Without expressing any opinion on the above contention of the petition, this petition is disposed of as having been withdrawn since this Court is concerned only with the orders passed by the Dy. Collector and Gujarat Revenue Tribunal under the provisions of Section 8(2) of the Gujarat Agricultural Land Ceiling Act. Rule is discharged. No order as to costs.

(Akil Kureshi, J.)

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